

Senate Bill 613

By: Senators Bulloch of the 11th, Kemp of the 46th, Hudgens of the 47th, Tarver of the 22nd and Henson of the 41st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to farmers' markets, so as to change certain provisions relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets; to provide for law enforcement on the premises of farmer's markets; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to farmers' markets, is amended by striking Code Section 2-10-57, relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets, and inserting in lieu thereof the following:

"2-10-57.

(a) The Commissioner is authorized to provide for safety and security at the farmers' markets and to make such rules and regulations as are necessary for this purpose. The Commissioner is vested with police powers to enforce this article, rules and regulations promulgated pursuant to this article, and all state laws that govern and control farmers' markets.

(b)(1) The Commissioner is authorized to employ, designate, deputize, and delegate to employees of the department the authority to exercise the police powers provided under subsection (a) of this Code section at the Atlanta State Farmers' Market in Forest Park. Employees who have been so designated by the Commissioner and who have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' are authorized to:

1 (A) Carry firearms authorized or issued by the Commissioner while in the performance
2 of their duties;
3 (B) Exercise arrest powers;
4 (C) Enforce the law and order at the farmers' market;
5 (D) Order and escort off of the farmers' market those persons who are in trespass and
6 remain in trespass by selling produce or other products without a current license or who
7 are otherwise in violation of this article or rules and regulations promulgated pursuant
8 to this article;
9 (E) Serve and execute warrants;
10 (F) Authorize to be towed vehicles that;
11 (i) Park in designated fire lanes; or
12 (ii) Are not properly licensed under state law or the law of the state of registration
13 and remain parked on the farmers' market without authorization; and
14 (G) Enter upon and inspect all property owned, leased, rented, controlled, or used at
15 the farmers' market by persons who hold or have applied for licenses under this article
16 for the purpose of determining compliance with the provisions of this article and other
17 laws the administration or enforcement of which is the responsibility of the
18 Commissioner.
19 (2) From funds appropriated or available to the department, the Commissioner is
20 authorized to provide motor vehicles, uniforms, firearms, and any other equipment and
21 supplies needed by employees of the department to carry out this subsection.
22 (c) This Code section shall not repeal, supersede, alter, or affect the power of any other
23 law enforcement officer of this state or of any county, municipality, or other political
24 subdivision of this state to enforce the laws of this state on the premises of farmers'
25 markets. At the request of the Commissioner, it shall be the duty of all state, county,
26 municipal, and other law enforcement officers in this state to enforce and to assist the
27 Commissioner and the employees and agents of the department in the enforcement of this
28 article."

29 **SECTION 2.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

32 **SECTION 3.**

33 All laws and parts of laws in conflict with this Act are repealed.